

LEGISLATIVE COUNSEL  
FILE COPY

INDOCHINA MIGRATION AND REFUGEE ASSISTANCE  
ACT OF 1975

MAY 20, 1975.—Ordered to be printed

Mr. RODINO, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 6755]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6755) to enable the United States to render assistance to, or in behalf of, certain migrants and refugees, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*That this Act may be cited as "The Indochina Migration and Refugee Assistance Act of 1975".*

*Sec. 2. (a) Subject to the provisions of subsection (b) there are hereby authorized to be appropriated, in addition to amounts otherwise available for such purposes, \$455,000,000 for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962 (76 Stat. 121), as amended, with respect to aliens who have fled from Cambodia or Vietnam, such sums to remain available in accordance with the provisions of subsection (b) of this section.*

*(b) None of the funds authorized to be appropriated by this Act shall be available for the performance of functions after June 30, 1976, other than for carrying out the provisions of clauses (3), (4), (5), and (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962, as amended. None of such funds shall be available for obligation for any purpose after September 30, 1977.*

*Sec. 3. In carrying out functions utilizing the funds made available under this Act, the term "refugee" as defined in section 2(b)(3) of the Migration and Refugee Assistance Act of 1962, as amended, shall be deemed to include aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from Cambodia or Vietnam; (B) cannot return there because of fear*

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of persecution on account of race, religion, or political opinion; and (C) are in urgent need of assistance for the essentials of life.

SEC. 4. (a) The President shall consult with and keep the Committees on the Judiciary, Appropriations, and International Relations of the House of Representatives and the Committees on Foreign Relations, Appropriations, and Judiciary of the Senate fully and currently informed of the use of funds and the exercise of functions authorized in this Act.

(b) Not more than thirty days after the date of enactment of this Act, the President shall transmit to such Committees a report describing fully and completely the status of refugees from Cambodia and South Vietnam. Such report shall set forth, in addition—

(1) a plan for the resettlement of those refugees remaining in receiving or staging centers;

(2) the number of refugees who have indicated an interest in returning to their homeland or being resettled in a third country, together with (A) a description of the plan for their return or resettlement and the steps taken to carry out such return or resettlement, and (B) any initiatives that have been made with respect to the Office of the High Commissioner for Refugees of the United Nations; and

(3) a full and complete description of the steps the President has taken to retrieve and deposit in the Treasury as miscellaneous receipts all amounts previously authorized and appropriated for assistance to South Vietnam and Cambodia but not expended for such purpose, exclusive of the \$98,000,000 of Indochina Postwar Reconstruction funds allocated to the Department of State for movement and maintenance of refugees prior to the date of enactment of this Act.

(c) Supplementary reports setting forth recent information with respect to each of the items referred to in this section shall be transmitted not more than ninety days after the date of transmittal of the report referred to in subsection (b) of this section and not later than the end of each ninety-day period thereafter. Such reports shall continue until September 30, 1977, and a final report shall be submitted no later than December 31, 1977.

And the Senate agree to the same.

PETER W. RODINO,  
PAUL SARBANES,  
ELIZABETH HOLTZMAN,  
CHRISTOPHER J. DODD,  
MARTY RUSSO,  
HAMILTON FISH, Jr.,  
WILLIAM S. COHEN,

Managers on the Part of the House.

JOHN SPARKMAN,  
MIKE MANSFIELD,  
FRANK CHURCH,  
CLIFFORD P. CASE,  
J. JAVITS,

Managers on the Part of the Senate.

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## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 6755, "The Indochina Migration and Refugee Assistance Act of 1975", submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Committee of Conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the bill with an amendment which is a substitute for both the text of the House bill and the Senate amendment thereto.

Except for clarifying, clerical, and necessary conforming changes, the differences between the two Houses and the adjustment made in the committee of conference are noted below.

### FUND AUTHORIZATION

The House bill authorized "such sums as may be necessary, but not to exceed \$507 million" for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962, as amended, with respect to aliens who have fled from Cambodia or Vietnam.

The Senate amendment authorized the appropriation of \$405 million for the fiscal year 1975 for the same purpose.

The House receded with an amendment which would authorize \$455 million without fiscal year limitations.

### RETRIEVAL OF FOREIGN ASSISTANCE FUNDS

The Senate amendment directed the President to make every effort to retrieve all amounts previously authorized and appropriated for assistance to South Vietnam and Cambodia, excluding \$98 million in economic assistance funds previously allocated to the Department of State for the movement and maintenance of refugees. All funds retrieved were to be deposited in the Treasury as miscellaneous receipts.

The House bill did not contain a comparable provision.

The Senate receded.

The managers on the part of the Senate receded only because the House Members stressed that the Senate provision would have subjected the conference report to a point of order in the House. Although they have deleted the mandatory language, the conferees have required under Section 4, the reporting requirement of the conference agree-

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ment, that periodic reports be submitted by the President concerning the status of his efforts to retrieve these funds.

#### RETURN TRANSPORTATION FOR REFUGEES

The Senate amendment contained a provision directing the President to take a survey of the refugees from South Vietnam and Cambodia to determine which were desirous of returning to their homeland. The provision also included a specific authorization for use of funds made available under the bill for payment of the return transportation cost for those desiring to return home.

The House bill did not contain a comparable provision.

The Senate receded.

The managers on the part of both the House and the Senate agree that sufficient authority exists under existing law for return transportation of refugees and that the funds made available under this bill will be available for that purpose. Therefore, they consider that specific authorization in the bill is not necessary. The conferees on the part of both Houses understand from Executive Branch officials that a number of efforts are made during the processing of refugees throughout staging areas and the reception centers to insure that they are aware that they may return to their homeland if they so choose and that funds are available for the cost of their return transportation. The conferees fully expect that every effort will continue to be made to communicate this message to the refugees. The conferees also agreed to inclusion of language in the reporting requirement in Section 4 which provides for submission of full and complete information relative to matters concerning the return of refugees to their homeland.

#### REPORTS

The House bill contained a provision which required the President to keep the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations of the Senate currently informed of the use of funds and the exercise of functions authorized in the bill.

The Senate amendment contained a requirement that, not less than thirty days after the date of enactment of the bill, the President shall transmit to the Committees on Foreign Relations, Judiciary, and Appropriations of the Senate and the Speaker of the House of Representatives a report describing fully and completely the status of refugees from Cambodia and South Vietnam and his plans for their resettlement, including certain specific information.

Reports setting forth certain supplementary information would be required not less than each ninety days following transmittal of the initial report, the supplemental reports to continue until September 30, 1977.

The conferees have agreed to a provision incorporating language from both the House and the Senate provisions. The conferees believe that the reports called for under the conference agreements will insure that Congress has available to it current and periodic reports concern-

ing the status of the refugee program, as well as future plans. The conferees have included language requiring specific information on the return of refugees to their homeland and on the retrieval of foreign aid funds from the pipeline, subjects which were covered in provisions deleted from the conference report.

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